

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

October 23, 2015

These minutes were
approved by the Board on
December 4, 2015

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:35 a.m. in Lower Level Conference Room D, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

<u>Members Present:</u>	Kim Adams Johnson	-	Vice-Chair
	Brian Allison	-	Secretary
	Keli Hupka	-	Chairperson
	Adele Schmidt	-	Member
<u>Others Present:</u> Lisa Anderson, Assistant Attorney General Dennis Scott, Investigator Kris Chiles, Program Manager, Licensure Unit Nancy Herdman, Health Licensing Coordinator, Licensure Unit			

2. ADOPTION OF AGENDA

MOTION: Adams Johnson moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (8-14-15 and 9-25-15 work session)

Schmidt expressed concern that the public person at the 8-14-15 meeting was not listed by name. Chiles responded that the name of a public person is not listed in the minutes unless the public person chooses to provide their name or is on the agenda.

MOTION: Schmidt moved, seconded by Adams Johnson, to approve the minutes of August 14, 2015. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Schmidt commented the work session minutes for 9-25-15 did not contain discussion detail and that the three public persons who attended were not listed. Chiles responded that for work sessions, specific details relating to regulation revisions, are not provided in the minutes and as previously discussed public persons are not listed by name unless they give their name.

MOTION: Allison moved, seconded by Adams Johnson, to approve the work session minutes of September 25, 2015. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Adams Johnson moved, seconded by Allison, to enter into closed session at 9:39 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:03 a.m. - Scott departed the meeting

10:56 a.m. - Allison departed meeting (conflict)
11:03 a.m. - Allison entered meeting

MOTION: Adams Johnson moved, seconded by Allison, to enter into open session at 11:33 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

11:33 a.m. - Break
11:40 a.m. - Meeting resumed
1 public person entered meeting
11:42 a.m. - Kevin Griess, Department attorney, entered meeting

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

EveryBody Massage Therapy

MOTION: Schmidt moved, seconded by Allison, to defer for a pre-licensure investigation. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Amy Furlong

MOTION: Schmidt moved, seconded by Adams Johnson, to defer for additional information. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Annalise Ring

MOTION: Schmidt moved, seconded by Adams Johnson, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Holly Thomas

MOTION: Schmidt moved, seconded by Adams Johnson, to recommend offering a 6 month probationary massage therapist license, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Chloe Kleymann

MOTION: Adams Johnson moved, seconded by Schmidt, to recommend issuance of a temporary massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Elizabeth Honig

MOTION: Adams Johnson moved, seconded by Hupka, to defer for a pre-licensure investigation to make an informed decision. A roll call vote was taken. Voting aye: Adams Johnson, Hupka, Schmidt (3). Voting nay: None (0). Abstain: Allison (1). Motion carried.

Suzanne Bourke

MOTION: Schmidt moved, seconded by Allison, to recommend offering a 6 month probationary massage therapist license, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Allison, Hupka, Schmidt (3). Voting nay: Adams Johnson (1). Motion carried.

Professional Massage Only

MOTION: Adams Johnson moved, seconded by Allison, to recommend offering a 1 year probationary massage therapy establishment license, to include the standard terms and conditions and the following: jurisprudence examination by owner within first 90 days, 3 hour Board approved business ethics course, quarterly list of employees. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

11:50 a.m. - Anderson departed meeting

6. UNFINISHED BUSINESS

a. Other

Chiles reported three school applications had been submitted for review and she was awaiting review responses from the Board members. She stated she had received comments/questions from Adams Johnson on two of the applications and had forwarded those questions to the school applicants. Chiles asked for a timeline from the Board members for receipt of their comments and they agreed to the date of 11-13-15.

Debbie Stogdill, Omaha School of Massage and Healthcare of Herzing University, introduced herself (previously noted as public person). Stogdill asked for the names and the owners of school applications. They were:

- Essence of Life Therapeutic Academy, North Platte, Jacquelin Atkins
- Pure Life Massage School of Massage Therapy, Chadron, Charlotte Wild
- Five Elements Massage, Martial Arts and Oriental Health Center LLC, DBA Omaha Blue Waves Massage, Bodyworks and Education Center, Omaha, Michele and Jeffrey Helaney

7. NEW BUSINESS

a. Correspondence

Chiles reported she had received correspondence asking if two college courses, General Psychology and Introduction to Sociology, might be acceptable for CEU optional hours. Upon reviewing the regulations, the Board members agreed that at this time the courses did not fit the regulatory definitions for optional hours.

b. Other

There was no information to report.

8. UPDATES AND REPORTS

a. Nebraska Chapter of AMTA

Hupka reported that she would no longer be providing updates but the chapter will provide the Board with an e-mail update.

b. Federation of State Massage Therapy Boards (FSMTB)

Adams Johnson report she attended the annual meeting this month and had sent the members an e-mail. She summarized the meeting highlights:

- 4 newly elected board members, 2 were incumbents
- Passed several resolutions
- Formed a Task Force on Human Trafficking
- Received updates on the database and CEU approval criteria and were told the study guide for the MBLEx would be out before Christmas

c. National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

There was no new information to report. Chiles commented that in the future this item will be removed from the agenda since there is no information to provide.

d. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report

Chiles reported renewal statistics:

- 1523 licenses, 987 pending renewal
- 624 establishments, 367 pending renewal
- 5 schools, 4 pending renewal

Chiles reported that the school survey went out with the school renewals and that the survey did not necessarily need to be submitted with the renewal.

Chiles asked the Board what percentage of renewals they wanted to audit.

MOTION: Adams Johnson moved, seconded by Allison, to audit 10% of the renewal applications for CEU compliance. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Chiles reported examination statistics beginning with January 2015:

- Jurisprudence -continuing education 20 pass
- Jurisprudence -probation 7 pass, 2 fail
- Jurisprudence -reciprocity 43 pass, 8 fail
- MBLEx 55 pass, 2 fail

Chiles reported disciplinary information beginning with January 2015:

- 7 probation
- 1 civil penalty and probation
- 1 revocation
- 2 petitions pending

e. Other

Chiles reported that the next meeting was scheduled for 12-4-15.

9. Adjournment

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at 12:25 p.m.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator